ESTTA Tracking number:

ESTTA118307 01/07/2007

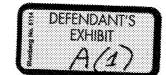
Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91173105
Party	Defendant Dalton, Michael Dalton, Michael Box 18137 670 Northland Blvd Cincinnati, OH 452180137
Correspondence Address	Michael Dalton Box 18137 670 Northland Blvd Box 18137 Cincinnati, OH 45218-0137
Submission	Other Motions/Papers
Filer's Name	Michael Dalton
Filer's e-mail	DALTONME@hotmail.com, DealerDashboard@hotmail.com
Signature	/ Michael Dalton /
Date	01/07/2007
Attachments	AnswerExhibits002.pdf (25 pages)(2262443 bytes)

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Domein Name: DEALERDASHBOARD.COM

Administrative Contact, Technical Contact: DALTON, MICHAEL DealerDashboard@hotmail.com DEALERDASHBOARD PO BOX 18137 CINCINNATI, OH 45218 (613) 557-2901 fax: (309) 215-9770

Record expires on 05-Oct-2007. Record created on 05-Oct-1999 Database last updated on 6-Jan-2007 19:48:59 EST.

Domain servers in listed order:

NS1.BRAVEHOST.COM NS2 BRAVEHOST.COM

Registry Status: clientTransferProhibited

See Underlying Registry Data Report Invalid Whois

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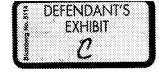
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Trademark Trial & Appeal Board TTAS Manual of Procedure #: Online Proceedings	03-Mar-2006	Paper Correspondence Incoming	O.
Other	28-Feb-2006	Offic Action Outgoing	
Copyrights Patents Policy & Law	14-Feb-2006	Preliminary Amendment	Ė
Reports	14-Feb-2006	Response to Office Action	<u> </u>
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	22-Jan-2005	Suspension Letter	
	03-Jan-2005	Paper Correspondence Incoming	
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	11-Dec-2003	Specimens	
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·o:

Michael Dalton (DALTONME@hotmail.com)

abject:

TRADEMARK APPLICATION NO. 78339571 - DEALERDASHBOARD - N/A

ent:

1/22/2005 10:21:33 AM

ent As:

ECOM112@USPTO.GOV

dtachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/339571

APPLICANT:

Michael Dalton

78339571

CORRESPONDENT ADDRESS:

Michael Dalton Box 18137

670 Northland Blvd Box 18137 Cincinnati, OH 45218-0137 RETURN ADDRESS:

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

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CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

DALTONME@hotmail.com

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- 2. Date of this Office Action.
- Examining Attorney's name and Law Office number.
- 4. Your telephone number and e-mail address.

rial Number 78/339571

NOTICE OF SUSPENSION

ction on this application is suspended pending the disposition of:

- Application Serial No(s). 76530706

nce applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the ter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant this pending application(s) was sent previously. The applicant may request that the application be removed from spension by presenting arguments related to the potential conflict between the relevant applications or other argument lated to the ground for suspension. The applicant's election to present or not to present arguments at this time will not feet the applicant's right to present arguments later.

ne following requirements are CONTINUED:

Identification and Classification of Services

The proposed amendment to the identification of services reads as follows: providing online management tools at information regarding automobiles for sale via the internet, parts and accessories; and dealerships in the field automobiles. This wording is not acceptable because "providing online management tools" is too broad and must I clarified to identify the common commercial name of the services. The applicant may adopt the following wording accurate: providing information about automobiles and automotive parts and accessories for sale via the Internet; at providing a web site featuring information about automobile dealerships, automobiles, automotive parts at accessories, at which users can link to the retail web sites of others.

2. Basis for Registration

In its response, the applicant refers to Section 1(a) as the basis, and includes specimens. However, the applicant do not address the dual basis (intent-to-use) currently of record. Inasmuch as the applicant cannot proceed under bo bases for the same services, the applicant must confirm that it intends to proceed under use only.

3. Specimen

The substitute specimens appear to be acceptable for Class 35. However, the applicant did not submit the require averment. Therefore, the applicant must verify with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application.

A sample declaration is set forth below for the applicant's convenience.

he following is a properly worded declaration under 37 C.F.R. §2.20. At the end of your response, please insert the eclaration signed by someone authorized to sign under 37 C.F.R. §2.33(a):

he substitute specimen was in use in commerce at least as early as the filing date of the application.

he undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or nprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the pplication or any resulting registration, declares that the facts set forth in this application are true; all statements made of is/her own knowledge are true; and all statements made on information and belief are believed to be true.

Note	lame and Position	-
	Pate	

OTICE: FEE CHANGE

ignature

fective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following a e fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS or
- (2) \$375 per international class if filed on paper

nese fees will be charged not only when a new application is filed, but also when payments are made to add classes to a sisting application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such a paper response, the fee will be \$375 per class.

ne new fee requirements will apply to any fees filed on or after January 31, 2005.

OTICE: TRADEMARK OPERATION RELOCATION

ne Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper ail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrotocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 pplicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via tlademark Electronic Application System (TEAS), at http://www.uspto.gov/teas/index.html.

/Patty Evanko/

Trademark Attorney

Law Office 112

571-272-9404

patty.evanko@uspto.gov (questions only)

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Page 1 of 3

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This page was generated by the TARR system on 2007-01-06 21:53:13 ET

Serial Number: 76530706 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark (words only): DEALER DASHBOARD

Standard Character claim: No

Current Status: Abandoned after an inter partes decision by the Trademark Trial and Appeal Board.

Date of Status: 2005-06-13

Filing Date: 2003-07-10

Transformed into a National Application: No.

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact

the Trademark Assistance Center at Trademark Assistance Center @uspto.gov

Current Location: 657 -Pre-Publication Final Review

Date In Location: 2004-08-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Nowcom Corporation

Address:

Nowcom Corporation

7451 Wilshire Blvd., Suite 115

Los Angeles, CA 90010

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

Phone Number: (323) 692-8933 Fax Number: (323) 692-8933

GOODS AND/OR SERVICES

Latest Status Info Page 2 of 3

International Class: 035 Class Status: Abandoned

Preparing business reports in a secure on-line environment to automobile dealerships

Basis: 1(a)

First Use Date: 2003-01-01

First Use in Commerce Date: 2003-01-01

ADDITIONAL INFORMATION

Disclaimer: DEALER

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-03-10 - Abandonment - After inter partes decision (Initial exam)

2005-03-10 - Opposition sustained for Proceeding

2005-03-10 - Abandonment deleted by TTAB

2005-02-11 - TEAS Change Of Correspondence Received

2005-02-10 - Abandonment - After publication

2005-02-10 - TEAS Express Abandonment Received

2004-12-09 - Opposition instituted for Proceeding

2004-10-14 - PAPER RECEIVED

2004-07-14 - Extension Of Time To Oppose Received

2004-06-15 - Published for opposition

2004-05-26 - Notice of publication

2004-04-02 - Approved for Pub - Principal Register (Initial exam)

2004-02-26 - Communication received from applicant

2004-02-26 - TEAS Response to Office Action Received

2004-01-26 - Non-final action mailed

2004-01-17 - Assigned To Examiner

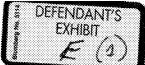
ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Natu J. Patel

Correspondent

NATU J. PATEL WANG HARTMANN & GIBBS PC 1301 DOVE STREET, SUITE 1050 NEWPORT BEACH, CA 92660 Phone Number: (949) 833-8483 Fax Number: (949) 833-2281



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Links pointing to this site:	379	415	♦ 36
Link popularity ranking:	141,561	136,946	4.815
Organization Reviews:		N/A	
Website Reviews:		N/A	
Read / Write Reviews & Complaints			

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DealerDashboard.com 670 Northland Blvd. Cincinnati, OH 45218-0137 **United States** 513-557-2901 Toll-Free: (888) 826-2706 contact@DealerDashboard.com

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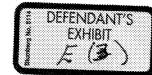
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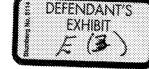
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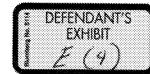


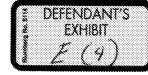
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Category Nank	Web Bank	Domein	TrustGauge	Company Name	Links
\$	599	kbb.com	6	KELLEY BLUE BOOK CO., INC	285,293
ŝ	735	edmunds.com	6	EDMUNDS.COM, INC	278,882
3	1,544	sutobytel.com	5	N/A	287,739
*	2,572	automotive com	5	AUTOMOTIVE COM	100,738
\$	2,604	sutowsb.com	5	AUTOWEB	19.869
8	3,197	drive.com.au	5	80A	130,000
*	4,795	sutomart.com	5	N/A	36,801
ë	6,692	parkers.co.uk	5	\$6A	12,213
*	8,880	pricequotes.com	5	Referrel Technology Inc.	3.069
166	11,064	invoicedealers.com	3	INVOICEDEALERS	59,652
44	11,168	vehix.com	2	VEHIX	29,444
12	25,592	autoexpress.co.uk	2	N/A	18,391
13	27,682	sutobytel.co.uk	2	N/A	915
14	28,758	intellichoice.com	2	INTELLICHOICE, INC	59,987
18	36,312	sutoworld.com	2	AUTO WORLD	160,880
16	51,396	autopedia.com	2	N/A	30,526
17	57,172	netcarios	2	WA	105
18	69,080	auto123.com	2	AUTO123.COM	30,311
19	73,455	secn.com	2	N/A	15,330
28)	84,744	hpicheck.com	2	N/A	284
-23	108,450	motoratiey.com	3	MotorAlley, LLC	711
22	114,965	carcostcanada.com	1	N/A	1,701
23	131,558	costcomocom	1	NA	76
28	154.869	carquoteá.com	1	NVA	231
38	157,568	carshop.cc.uk	1	N/A	95

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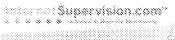
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Category Nank	Web Stank	Comein	TrustGaups	Company Name	Links
:288	166,798	jamjar.com	1	8/8	1,777
22	171,295	cartrackers.com	1	8/4	15.758
28	223,240	dealardashipoard.com	6	DealerDashboard.com	415
23	243,867	cardata.co.uk	1	N/A	750
30	258,290	vcare.co.uk	1	N/A	21,995
31	292,779	m02.8:105w6	1	8/8	67,699
22	301.835	saraeverything.com	1	N/A	3,604
33	305,643	autogiant.com	1	Quoteseek Corporation	373
34	313,270	virginears.com	1	N/A	1,437
35	318,670	autolocator.com	1	N/A	106
3%	329,927	fightingchance.com	1	FIGHTING CHANCE	183
377	454,967	vin.com	1	N/A	0
38	611,106	:srchib.com	1	8/A	40
333	873,920	auteaave.co.uk	1	R/A	1,004
40	978,840	stoneage.com	1	N/A	57,797
*1	983,118	insidercarsecrets.com	1	N/A	2,900
43	1,002,360	autosmartcat.com	0	AutoSmartcat	214
43	1,029,705	oneswoop.com	0	N/A	2
44	1,042,707	acscorp.com	0	8VA	۵

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Business profile **DealerDashboard**. ... Extended description: **DealerDashboard** is an American firm engaged in export/import of quality automobiles, boats, ... search.sourcetool.com/db/Profiles_4/azE9NCwxMDAwMzU2NzYx - 10k - Supplemental Result - Cached - Similar pages

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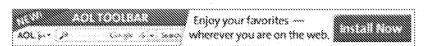
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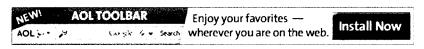
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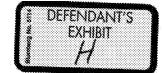
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